

Application Number 10/594936
Response to the Office Action dated May 14, 2008

REMARKS

Favorable reconsideration of this application is requested in view of the following remarks.

The specific term has been revised to clarify the translation of the international application submitted for entry of the national stage. The particles of conductive oxide at page 11, lines 19-21 of the specification are clarified as electrically conductive. Para. [0056] of WO 2005/095101, the published international application, uses the term "dodensei", which would be understood as referring to electrical conductivity, and the specification and claim 27 have been amended accordingly.

Non-elected claims 12-21, 23-24, 26, and 28 and claim 6 have been canceled without prejudice; claim 25 has been withdrawn but is amended to track the revisions to claim 1 as discussed below; accordingly, elected claims 1-5, 7, 9-11, 22, and 27 have been pending.

Claims 1 and 27 and withdrawn claim 25 have been amended to include a limitation of the conductivity and the conditions of the Taber abrasion test as supported by the specification at page 3, lines 20-24.

The specification has been objected to because of informalities. Claim 6 has been canceled, and the objection to this claim is moot. With respect to the conductivity of fine particles, the specification has been amended to clarify the conductivity as electrical conductivity and the claim 27 includes the same. Accordingly, this objection is moot and should be withdrawn.

Claims 1, 5-7, 9-11, and 27 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Terauchi et al. (U.S. Patent Application Publication No. 2003/0129421). Applicants respectfully traverse this rejection.

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Claim 6 has been canceled, and the rejection of this claim is moot. Claims 1 and 27 require that the organic-inorganic composite film do not separate from the substance after a 1000 rotation Taber abrasion test under a load of 500 g. Terauchi discloses neither the organic-inorganic composite film that does not separate from a substrate after a 1000 rotation Taber abrasion test under a load of 500 g nor a particular haze ratio or $\Delta H1000$ after the 1000 rotation Taber abrasion test. Instead, Terauchi discloses flaw resistance as abrasion resistance measured by a difference of haze ratios before and after a 100 rotation Taber abrasion test ($\Delta H100$) under a load of 500 g and the difference before and after a 500 rotation Taber abrasion test ($\Delta H500$) under the same load (see para. [0199] at page 17). In Terauchi, the flaw resistance, i.e., the difference of the haze ratios before and after the abrasion test, of $\Delta H500$ is between 5.4-8.1 % and 2.7-3.5 times higher than that of $\Delta H100$, which is between 2.1 and 2.4 % (see examples 7, 8, 19, and 32 in tables 3 and 4). Thus, in general, the more the rotation number of the Taber abrasion test increases, the more the haze ratios after the abrasion test increase. Accordingly, it is reasonable to assume that the haze ratios of Terauchi after the 1000 rotation Taber abrasion test would be much higher than those after the 500 rotation Taber abrasion test and the film of Terauchi could not reasonably be expected to resist separation upon exposure to the 1000 rotation Taber abrasion test. Accordingly, claims 1 and 27 are distinguished from Terauchi.

The distinctions between the present products and those of Terauchi further are supported by claims 5 and 11. Claims 5 and 11 require that the haze ratio after the 1000 rotation Taber abrasion test be 4% or lower. In Terauchi, the haze ratios after the 500 rotation Taber abrasion test of examples 7, 8, 19, and 32, obtained by adding the base haze ratios to $\Delta H500$ values, are 6.9 (5.4 + 1.5), 9.9 (8.4 + 1.5), 7.6 (6.1 + 1.5), and 9.6 (8.1 + 32) %, respectively, which are already higher than 4 %. As discussed above, the haze ratios increase when the rotation number of the Taber abrasion test increases. Accordingly, the haze ratios after the 1000 rotation Taber abrasion test of these examples must be higher than 6.9-9.9 % , and accordingly, higher than 4%. In addition, the haze ratio 0.4 % in examples 40-43 of Terauchi must be the value obtained before the 100 rotation Taber abrasion test, i.e., a base haze ratio, not the haze ratio after the 100 rotation

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abrasion test because the flow resistance values ΔH_{100} after that abrasion test are 2.6, 2.3, 2.6, and 2.8 %, respectively (see paras. [0209]-[0212] and [0215]-[0216]). Therefore, claims 1, 5-7, 9-11, and 27 are distinguished from Terauchi, and this rejection should be withdrawn.

Claims 2-4 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Terauchi et al. (U.S. Patent Application Publication No. 2003/0129421) in view of Toshinori Okamoto et al. (Japanese Patent Application Publication No. JP 2003-277537). Applicants respectfully traverse this rejection.

Claims 2-4 are distinguished from Terauchi for at least same reasons as discussed for claim 1 above. Okamoto is dedicated to aspects of gas barrier and moisture resistance of the transparent moisture-proof gas-barrier film and fails to disclose no separation after the abrasion resistance tested by a 1000 rotation Taber abrasion test under a load of 500 g as claim 1 requires. Accordingly, Okamoto does not remedy the deficiencies of Terauchi, and this rejection should be withdrawn. Applicants do not concede the correctness of this rejection.

Claim 22 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Terauchi et al. (U.S. Patent Application Publication No. 2003/0129421) in view of Kamitani (Japanese Patent Application Publication No. 2002-348542). Applicants respectfully traverse this rejection.

Claim 22 is distinguished from Terauchi for at least the same reasons as discussed for claim 1 above. Kamitani fails to disclose that the organic-inorganic composite film does not separate from the substrate after a 1000 rotation Taber abrasion test under a load of 500 g. Accordingly, Kamitani does not remedy the deficiencies of Terauchi, and this rejection should be withdrawn. Applicants do not concede the correctness of the rejection.

Claims 1-3 and 22 have been provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-4 of copending

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Application No. 10/594606. Applicants file herewith a terminal disclaimer over the 10/594606 patent application. Therefore this rejection is moot and should be withdrawn.

In view of the above, Applicants request reconsideration of the application in the form of a Notice of Allowance.



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DPM/my/ad

Respectfully submitted,

HAMRE, SCHUMANN, MUELLER &
LARSON, P.C.
P.O. Box 2902
Minneapolis, MN 55402-0902
(612) 455-3800

By: 

Douglas P. Mueller
Reg. No. 30,300